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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/927,224	GURUMOORTHY ET AL.	
	Examiner	Art Unit	
	Philip C Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/09/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are presented for examination.
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

3. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program
listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables

having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. Applicant is required to submit an oath or declaration in proper form, identifying the application by application number and filing date, or a certificate by the officer before whom the original oath was taken stating that the oath was executed within the jurisdiction of the officer

before whom the oath was taken when the oath was administered. The oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Claim Rejections – 35 USC 112

5. Claims 1-12 and 19-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. the agent process system – claims 1, 7 and 25
 - ii. the received diagnostic procedures – claim 19.
- b. Claim language in the following claims is not clearly understood:
 - i. As per claim 5, lines 1-2, it is uncertain if “a request” refers to “a message” in claim 4, lines 1-2 [i.e. if they are the same, then “the message” must be used].
 - ii. As per claim 6, line 4, it is unclear if “data” refers to “data” in claim 1, line 3 [i.e. if they are the same, then “the data” must be used].
 - iii. As per claim 11, line 3, it has the same uncertainty as set forth in claim 5 above.

- iv. As per claim 12, line 4, it is unclear if “data” refers to “data” in claim 7, line 5.
- v. As per claim 17, line 2, it has the same uncertainty as set forth in claim 5 above.
- vi. As per claim 18, line 5, it is unclear if “data” refers to “data” in claim 13, line 3.
- vii. As per claim 23, line 2, it has the same uncertainty as set forth in claim 5 above.
- viii. As per claim 29, line 2, it has the same uncertainty as set forth in claim 5 above.

Claim Rejections – 35 USC 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrory et al, U.S. Patent 6,697,962 (hereinafter McCrory) in view of Sewell et al, U.S. Patent Application Publication, 2002/0165952 (hereinafter Sewell).

8. As per claims 1, 7, 12 and 25, McCrory taught the invention substantially as claimed comprising:

a storage medium comprising machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for:

launching an agent process to a processing system (col. 4, lines 42-43);

receiving data to provide one or more diagnostic procedures at the agent process system from a data network coupled to the processing system (col. 4, lines 50-56); and

executing one or more of the diagnostic procedures on the processing system (col. 4, lines 59-61).

9. McCrory did not teach providing one or more diagnostic results. Sewell taught providing reports of one or more of the diagnostic procedures executed as diagnostic result (page 6, paragraphs 52 and 53).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of providing reports of one or more of the diagnostic procedures executed would increase the

user's alertness in McCrory's system by allowing the results of the diagnostic procedure to be notified to the user.

11. As per claims 13 and 19, McCrory taught the invention substantially as claimed comprising:

a diagnostic source (120, fig. 1) coupled to the data network (130, fig. 1); and
a processing system comprising:
logic (e.g. processor) (col. 10, line 44-55) to launch an agent process (col. 4, lines 42-43);
logic (e.g. processor) (col. 10, line 44-55) to receive data to provide one or more
diagnostic procedures from a data network (col. 4, lines 50-56); and
logic (e.g. processor) (col. 10, line 44-55) to execute the one or more diagnostic
procedures in response to the agent process (col. 4, lines 59-61).

12. McCrory did not teach providing one or more diagnostic results. Sewell taught providing reports of one or more of the diagnostic procedures executed as diagnostic result (page 6, paragraphs 52 and 53).

13. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of providing reports of one or more of the diagnostic procedures executed would increase the user's alertness in McCrory's system by allowing the results of the diagnostic procedure to be notified to the user.

14. As per claims 2, 8 and 26, McCrory and Sewell taught the invention substantially as claimed in claims 1, 7 and 25 above. Sewell further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for:

formatting the diagnostic results for transmission to a destination (page 6, paragraph 54);

and

transmitting the formatted diagnostic results to the destination through the data network (page 6, paragraph 54).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's system by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

16. As per claims 14 and 20, McCrory and Sewell taught the invention substantially as claimed in claims 13 and 19 above. Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to format the diagnostic results for transmission to a destination (page 6, paragraph 54); and

logic (e.g. processor) (col. 10, line 44-55) to transmit the formatted diagnostic results to the destination through the data network (page 6, paragraph 54).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's system by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

18. As per claims 3, 9 and 27, McCrory and Sewell taught the invention substantially as claimed in claims 2, 8 and 26 above. Sewell further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for formatting the diagnostic results according to an extensible markup language (page 6, paragraph 54).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's system by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

20. As per claims 15 and 21, McCrory and Sewell taught the invention substantially as claimed in claims 14 and 20 above. Sewell further taught comprising:

21. logic (e.g. processor) (col. 10, line 44-55) to format the diagnostic results according to an extensible markup language (page 6, paragraph 54).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's system by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

23. As per claims 4, 10 and 28, McCrory and Sewell taught the invention substantially as claimed in claims 1, 7 and 25 above. McCrory further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for transmitting a message requesting the one or more diagnostic procedures through the data network in response to launching the agent process on the processing system (col. 7, lines 2-27).

24. As per claims 16 and 22, McCrory and Sewell taught the invention substantially as claimed in claims 13 and 19 above. McCrory further taught comprising logic (e.g. processor) (col. 10, line 44-55) to transmit a message requesting the one or more diagnostic procedures through the data network in response to launching the agent process on the processing system (col. 7, lines 2-27).

25. A per claims 5, 11 and 29, McCrory and Sewell taught the invention substantially as claimed in claims 1, 7 and 25 above. McCrory further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for launching an agent process to the processing system (col. 4, lines 42-43), the agent process comprising logic to transmit a request for the data to provide one or more diagnostic procedures to a diagnostic procedure source through the data network in response to launching the agent process (col. 7, lines 2-27).

26. A per claims 17 and 23, McCrory and Sewell taught the invention substantially as claimed in claims 13 and 19 above. McCrory further taught comprising logic (e.g. processor) (col. 10, line 44-55) to transmit a request for the data to provide one or more diagnostic procedures to a diagnostic procedure source through the data network in response to launching the agent process (col. 7, lines 2-27).

27. As per claims 6 and 30, McCrory and Sewell taught the invention substantially as claimed in claims 1 and 25 above. McCrory and Sewell further taught comprising:

transmitting an identifying code to a diagnostic source through the data network, the identifying code being associated with the agent process (col. 4, lines 22-28; col. 5, lines 29-32); and

selecting data to provide one or more diagnostic procedures at the agent process based upon the identifying code (col. 4, lines 28-31); and

transmitting the selected data to the agent process through the data network (col. 4, lines 31-35).

28. As per claims 18 and 24, McCrory and Sewell taught the invention substantially as claimed in claims 13 and 23 above. McCrory and Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to transmit an identifying code to a diagnostic source through the data network, the identifying code being associated with the agent process (col. 4, lines 22-28; col. 5, lines 29-32); and

logic (e.g. processor) (col. 10, line 44-55) to select data to provide one or more diagnostic procedures at the agent process based upon the identifying code (col. 4, lines 28-31); and

logic (e.g. processor) (col. 10, line 44-55) to transmit the selected data to the agent process through the data network (col. 4, lines 31-35).

CONCLUSION

29. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is


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(703)872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100